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 CITY AND COUNTY OF SAN FRANCISCO, ET AL.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ESTHER HWANG,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
 FRANCISCO, ET AL.

Defendants.

Case No. C07-02718 MMC

**DEFENDANTS CITY AND COUNTY  
 OF SAN FRANCISCO, ET AL,  
 OBJECTION'S TO INCOMPETENT  
 EVIDENCE USED IN SUPPORT OF  
 OPPOSITION TO MOTION FOR  
 SUMMARY JUDGMENT**

Hearing Date: September 12, 2008  
 Time: 9:00 a.m.  
 Place: Judge Maxine M. Chesney,  
 Courtroom 7, 19th Floor,  
 San Francisco, CA

Trial Date: 10/27/08

Defendants respectfully object to the use of the below itemized exhibits submitted by plaintiff  
 in support of her opposition

EVIDENCE	OBJECTIONS
<b>Exhibit "E"</b> (San Francisco Police Incident Report dated May, 12, 2007);	(1) <b>Fed. R. Evid. 401, 402, 403</b> (Relevancy); (2) <b>FRE 801, 802</b> (Inadmissible Hearsay); (3) <b>FRE</b>

EVIDENCE	OBJECTIONS
<b>Exhibit "I"</b> (San Francisco Police Incident Report dated Oct. 29, 2006)	<b>901</b> (Lacks Authentication or Identification); (4) Lacks Foundation.
<b>Exhibit "H"</b> (Civil Complaint for Damages, <i>Oliver v. City and County of San Francisco</i> , CO7-2460); <b>Exhibit "P"</b> (Civil Complaint for Damages, <i>Jackson v. City and County of San Francisco</i> )	(1) <b>Fed. R. Evid. 401, 402, 403</b> (Relevancy); (2) <b>FRE 801, 802</b> (Inadmissible Hearsay); (3) <b>FRE 901</b> (Lacks Authentication or Identification); (4) Lacks Foundation; <b>FRE 404</b> (Inadmissible Character Evidence). Additionally, these complaints are self-serving, contain untested allegations, and are generally unreliable. Furthermore, plaintiff has presented no competent evidence to support any of the allegations contained therein.
<b>Exhibit "J"</b> (Civil Case Docket, <i>Green v. City and County of San Francisco</i> , No. C97-04310); <b>Exhibit "K"</b> (Civil Case Docket, <i>Lewis v. City and County of San Francisco</i> , No. C98-0351); <b>Exhibit "L"</b> (Civil Case Docket, <i>Pasene v. City and County of San Francisco</i> , No. C98-1610); <b>Exhibit "M"</b> (Civil Case Docket, <i>Duthie v. City and County of San Francisco</i> , No. C00-0539); <b>Exhibit "N"</b> (Civil Case Docket, <i>Bell v. City and County of San Francisco</i> , No. C00-1501); <b>Exhibit "Q"</b> (Civil Case Docket, <i>Myers v. City and County of San Francisco</i> , No. C08-1163).	(1) <b>Fed. R. Evid. 401, 402, 403</b> (Relevancy); (2) <b>FRE 801, 802</b> (Inadmissible Hearsay); (3) <b>FRE 901</b> (Lacks Authentication or Identification); (4) Lacks Foundation. The relevancy of these dockets in support of plaintiff's opposition is a complete mystery.

EVIDENCE	OBJECTIONS
<b>Exhibit "O"</b> (Civil Case Pleading, Joint Case Management Conference Statement, <i>Alemozaffar v. City and County of San Francisco</i> , No. C07-4494;	(1) <b>Fed. R. Evid. 401, 402, 403</b> (Relevancy); (2) <b>FRE 801, 802</b> (Inadmissible Hearsay); (3) <b>FRE 901</b> (Lacks Authentication or Identification); (4) Lacks Foundation.
<b>Exhibit "D"</b> (Deposition testimony of Mirko Buchwald).	<b>Fed. R. Evid. 701/702/703.</b> Improper Opinion Testimony. Expert testimony from the Club Doorman about plaintiff's state of sobriety and/or intoxication should be excluded as his job history as a part-time bartender fails to qualify him as an expert in the area of forensic toxicology. Additionally, this witness's "expert" testimony regarding the reasonableness or force used to effect the arrest of plaintiff should be excluded as his experience as a martial arts instructor fails to qualify him as an expert in the use of police practices regarding use of force under the Fourth Amendment. <b>FRCP Rule 26.</b> This witness was never disclosed as a purported expert in any area.

Dated: August 29, 2008

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